G. R. S. IX-5]

Previous references.

File No. 58-19

1919.

Serial Nos. 6611

(pp)

Later references.

pp. 83-8 (C+6).

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Sec+

Part B for March 1920.

SUBJECT.

Grant of Licenses under the Indian
Christian Marriage Act

(c 11) Do

The F. A. Resident
Pol No 1048 dt 22-3-20

Do a copy of Notification dt 12-3-20
Permitting Rev A Bankapur to celebrate
marriages within the territories of Sandoor
the limits of Utsu Station

W D 1250—GPB—30,000 - 28-1-19

13/7/20

GENERAL AND REVENUE SECRETARIAT.

(PP)

NOTES.

File No. 58-19

FILE HEADING.

Grant of licenses under the Indian Christian Marriage act.

From Revd D.H. Rees.

No. Letter Dated 19-2-20 Received 21-2-20

Diary No. 1155 | Enclos. - | Spare Copies. - | Serial No. 6

BRIEF ABSTRACT OF LETTER.

Requesting that Revd D. Rankapur may be authorized to solemnize marriages between Native Christians

NOTES AND ORDERS.

Subd with a draft to the Dy Com Bangalore.

Jme 23/2

21/2

General and Revenue Secretariat.

PP File No. 58 of 1919.

Serial No. 7

To

The District Magistrate
Bangalore

No G 4589 Dt 25-2-20

Forwards a copy of the foregoing Serial for favour of early report as to whether the Rev. D. Bantapur refd to therein is a recognised minister of the Gospel

From

The Dist Magistrate, Bangalore

No D2 Dis 155 M 4/3/20 Recd 8/3

Stating that Rev D Bantapur is a recognised Minister of the Gospel.

Sd with a draft Notification.

2/3 9/3

true
MM
10/3

CHIEF SECRETARIAT
II
POLITICAL BRANCH.
27 FEB. 1920

7 To

The Comptr

No G 21121 Dt 12.3.20

Notifies the grant of permission to the Rev. D. Bantapur to celebrate marriages within the territories of Mysore and outside the limits of [illegible]

mtn. sheet.

General and Revenue Secretariat.

PP File No. 58 of 1919.

Serial No.	
	So The By. Commr Hassan " Rev. D. A. Rees No 9 21122-3 dt 12.3.20 Forwarding a copy of the foregoing From The First Asst. Resident- No 2359 M 17-3-20 Recd 18/3 Forwarding a copy of an application received from the Genl Supdt of Wesleyan Mission in Mysore on behalf of Rev D. Bankapur for certain powers under the Christian Marriage Laws. Subd with a draft reply L. 20/3 Dme 20/3/20
10	
11	To The First Asst. Resident. No. Pol. 1048 dt 22.3.20 Forwarding a copy of notification referred to in Sl. 9.

SECRETARIAT. 5 MAR. 1920

NOTE—Contn. sheet.

CHIEF SECRETARIAT.
POLITICAL BRANCH.
21 FEB. 1920

WESLEYAN MISSION
BANGALORE CITY

.22 [illegible]8

19th February 1920.

From

Revd. D. A. Rees,
General Superintendent,
of the Wesleyan Mission in Mysore,
Bangalore City.

DIARY NO. 14532.
19.20
PP
58-19
6

To

The Chief Secretary
to the Government of Mysore,
Bangalore.

Sir,

I have the honour to ask that you will grant a licences to the Revd. D. Bankapur, Indian Minister of the Wesleyan Missionary Society, to solemnize marriages under Sections 6 & 9 respectively of the Indian Christian Marriage Act within the territories of Mysore and outside the limits of the C & M Station of Bangalore, between persons one whom is a Native Christian Subject of Mysore and neither of whom is a Christian British Subject.

I have the honour to be,
Sir,
Your most obedient servant,
D. A. Rees.
General Superintendent.

PPS8-197

GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE,

GENERAL AND REVENUE SECRETARIAT.

No. 9g589 Dated Bangalore, 25/2/1920

A copy of the marginally noted Cellir

No — / 19-2-20
Date Jamm Rev D.H. Rees.

is forwarded with compliments to the Dy Comr & Dist Magistrate

~~for information~~. Bangalore for favour of a report as to whether the Rev. D. Baukapur is a recognised minister of the Gospel.

By Order,

MC 25/2/20

848

For Chief Secretary to Govt.

VS 2.

CHIEF SECRETARY'S POLITICAL OFFICE
8 MAR 1920
DIARY NO.

W2 Wis 155
Encl

Office of the District Magistrate,
Bangalore District,

Dated Bangalore, the 2nd March 1920.

23879

G. Aravamudu Iyengar, Esq., B.A., B.L.,
District Magistrate,
Bangalore District.

To

C. S. Balasundaram Iyer, Esq, B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Sir,

Adverting to your memo No.G.19589/P.P.58-19-7 dated 25th February 1920 forwarding copy of letter dated 19th February 1920 from the Rev. D. A. Rees of the Wesleyan Mission in Mysore and calling for a report as to whether the Rev. D. Bankapur is a recognised minister of the Gospel, I have the honor to state that, from the memo obtained from the Rev. D. A. Rees, General Superintendent of the Wesleyan Mission, it is seen that the Rev. D. Bankapur is a recognised Indian Minister of the Wesleyan Church and that he is stationed at Hassan.

I have the honor to be,
Sir,
Your most obedient servant,

G. Varadarajan

for District Magistrate,
Bangalore District.

B.V.R.

~~19~~ 1920.

From

The Dt. Magistrate
Bangalore district

To

The Chief Secretary to
the Government of Mysore

Dated 2 - 3 - 20

Despatched 6 - 3 - 20.

Received

General No. W2 dis 135

No.

Enclosure No.

Reports that Rev. D. .
Bankapur is a recognised
Indian minister stationed
.. Shikaripur.

7

WESLEYAN MISSION

BANGALORE CITY

re Rev D. Baskaper is a recognised Indian Minister of the Wesleyan Church, and is related in Hassan.

J. Rees
General Superintendent

1st March 1920

DRAFT.

SUBJECT .....

.....

.....

Section No. PP
File No. 58-9
Serial No. 9

Diary No. of letter replied to..... No. G. G 21121.

GENERAL AND REVENUE SECRETARIAT
( )
, the.....*191* .

Date of issue..... 12/3/20 BTK

Signed by..... Mr ESD dpy

NOTIFICATION.

Whereas by the Notification by the Government of India in the Foreign Department No. 176, dated 31st December 1875, the Indian Christian Marriage Act, 1872, was, with certain modifications, declared to apply to the territories of Mysore so far as regards marriages between persons one of whom is a Christian British subject.

In exercise of the powers conferred by Sections 6 and 9, respectively of the said Act, the Government of His Highness the Maharaja of Mysore are pleased (a) to grant license to the Revd. D. Paulkaraiyan, Indian Minister of the Wesleyan Missionary Society, Hassan, (between Native Ch
to solemnize marriages within the territories of Mysore and outside the limits of the Civil and Military Station, Bangalore, and (*b*) to license the said Revd.....
.....
to grant certificates of marriage within the said territories between Native Christians.

By Order,

MK
10/3/20

Yrs *Chief Secretary to Government.*

IRS

To 2.

The Compiler, *Mysore Gazette*,
for publication in the Gazette.

P. T. O.

G21122-3 of 12.3.20

Copy of the above is forwarded to (1) the Dist. Magistrate, Hassan, & (2) Revd D. H. Rees ~~with~~ for information.

BO

WMS 10/3

Hon. Chief Secy

9/

List of enclosures.

Copied by.... ....

Examined by. .....

WD 02304–GPB—1,000—8-4-18

28 MAR 1921

CHIEF SECRETARY'S OFFICE
POLITICAL BRANCH.
18 MAR. 1920

R. O. 2.—R. P. B.—2-1920.—5000.

No. 2359 Enc 1

FROM

MAJOR C. T. C. PLOWDEN, I. A.,

FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

DIARY NO. 1603 6.

To

1919-20
P.S.
5-8-19
10

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, 17th March 1920

SIR,

I am directed to state, for the information of the Durbar, that an application* has been received from the General Superintendent of Wesleyan Mission in Mysore, Bangalore, on behalf of the Rev. D. Bankapur of the said Mission for certain powers under the Christian Marriage Laws in force in Mysore and to say that the Resident intends to issue notifications empowering the said Rev. D. Bankapur under Section 9 of the Law applicable to the Civil and Military Station of Bangalore.

* copy enclosed.

2. I am to request that, if there be no objection, the Durbar will be so good as to issue a similar notification under the corresponding law in force in the territories administered by His Highness the Maharaja of Mysore and will send a copy thereof to this office for information.

I have the honour to be,
Sir,
Your most obedient servant,

First Assistant Resident

Letter dated the 20th February 1920, from the General Superintendent, of Wesleyan Mission in Mysore, Bangalore City, to the First Assistant to the Resident in Mysore, Bangalore.

****

I have the honour to ask that the requisite powers may be conferred on the Revd. D. Bankapur, Indian Minister to enable him to grant certificates of marriages under Section 9 of the Indian Christian Marriage Act in the Mysore State.

****

C O P Y

R E G I S T R A R.

RESIDENT'S OFFICE.

I.S

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

( )

the 191 .

Date of issue 22nd March 1920

Signed by Mr. C. S. B. Iyer

Section PP

File No. 58-19

Serial No. 11

No. Pol 1048 Encl

To

The First Asst.

Resident

Sir,

With reference to your letter No 2359 of the 17th inst. I am directed to forward herewith a copy of a Notification No G. 21121 / P.P. 58-19-9 of the 12th inst. issued by the Durbar empowering Rev. D. Ramaswamy to

over.

Solemnize Marriages between Native Christians within the territories of Mysore.

Q Marks

MK 20/5/20

Gen. Chief Secy

2

4

List of enclosures.

Copied by

Examined by

WD 1744—GPB—80,000—19-3-19

Sl. No. 23]

Index to the Proceedings of the Governm

for the month of.....

Heading	Subje

1919

GENERAL AND REVENUE SECRETARIAT

(PALACE AND POLITICAL)

"A" Collection

Serial Numbers 1 to 6

SUBJECT

Discontinuance of the practice of sending to the Residency Draft Bills which do not affect Pre-rendition Legislation.

1919.

GENERAL AND REVENUE SECRETARIAT

PALACE AND POLITICAL.

NOTES.

FILE No. 63 of 1919.

Discontinuance of the practice of sending to the Residency draft bills which do not affect pre-rendition Legislation.

Copy of Residency communication stating that the Governor-General in Council has been pleased to accord his consent to the Paper Currency Bill on the understanding that he retains over it the power and authority which vest in him by virtue of Article 18 of the Treaty dated the 26th November. 1913 is submitted to the Dewan.

C.E. RAMA RAO.
5-4-19.

2. Financial Secretary.

A.R. BANERJI.
7-4-19.

3. The meaning of para 2 of the Residency letter is not clear.

4. Strictly speaking the regulation in question did not require the consent of the Governor General in Council under Art.18 or any other article of the Treaty, as the regulation is not inconsistant with any law or rule existing in 1881. It is not clear what power and authority the Governor General in Council has over the regulation under article 18 of the Treaty.

5. The practice of submitting every Mysore Bill for the approval of Governor General in Council seems based on the old Instrument of Transfer, article 22, and requires revision under the Treaty. Only Bills modifying or repealing any law existing in 1881 or inconsistant therewith need be submitted for the Governor General in Council's consent. In other cases the bills should be enacted and brought into force copies being sent to the Government of India for information.

6. I enquired of the Legislative Branch when dealing with the Income-Tax Bill as to why it was necessary to submit the bill to the Government of India. They could not quote any rule but said it was practice. I think this opportunity may be taken to clear up the matter. Whatever the result, it would be a great advantage to know exactly where we stand. The question may be further considered in the Legislative and Political Departments if the Dewan Sahib so desires.

J.S. CHAKRAVARTHI.
Dewan. 11-4-19.

7. Yes, I agree. May be sent to the 1st Member for favour of recording his views.

A.R. BANERJI.
16-4-19.

8. First Member.

J.S. CHAKRAVARTHI.
16-4-19.

9. The Financial Secretary has apparently overlooked the fact that clause 5 of the Bill will repeal the Notification of the Government of India No. 658 dated 7-2-1879, which is one of the Rules having the force of law included in the Schedule appended to the Mysore Treaty. Under article 18 of the Treaty, the previous consent of the Governor General in Council is required in all such cases and that consent has all along been expressed in the formulae that is repeated in the present case. It is the condition subject to which the Governor General in Council accords his consent.

10. The question whether or not the consent of the Governor General in Council is required in the case of a particular piece of legislation is always carefully considered by the Legislative Department; and usually no difficulty is felt. In doubtful cases the Residency's opinion is accepted.

11. I do not think any further action is necessary in the matter.

To Chief Secretary; to be
shown to Financial Secretary,
before submission to Dewan. K.S. CHANDRASEKHARA IYER.
19-4-19.

12. Seen. It is not yet clear to me what para 2 of the Residency letter dated 5-4-19 means. What exactly is the power and authority which art. 18 gives to the Governor General in Council in respect of the measure after it is passed and which is said to be retained by that authority.

13. As regards the general question, was it or was it not necessary to submit the Income Tax Bill for instance to the Government of India? Under art.18 it was not necessary apparently; but still it was submitted. Unless there is some other understanding outside the Treaty, art. 18 gives to the Mysore Government, in my respectful opinion, very wide powers which would render the submission of most of our bills to the Government of India unnecessary.

Dewan
through Chief Secretary. J.S. CHAKRAVARTHI.
23-4-19.

14. Reference is invited to para 3 of Mr. Fraser's D. O. dated 3-8-1906 to the Dewan in the printed file, regarding the constitution of the Legislative Council, which explains the *raison d'etre* in the practice of consulting the Residency about all bills in the first stage.

15. No doubt the Treaty gives the State somewhat greater freedom than the instrument of Transfer and the recent changes in the attitude and policy of the Government of India in their relations with Indian States have tended to the States having greater latitude in the management of their affairs than was previously the case.

C.S. BALASUNDARAM IYER.
Dewan
30-4-19.

16. May be considered again by the First Member and then brought up in Council.

A.R. BANERJI.
1-5-19.

17. First Member

C.S. BALASUNDARAM IYER.
1-5-19.

18. The available references have been collected under my instructions.

19. So far as the point now raised is concerned, it is sufficient to refer to the passages marked in blue pencil at pages 11, 12, 22, 23 and 34 of the confidential correspondence relating to the passing of the Mysore Legislative Council. (The point is also discussed in the note on pages 6 to 8 of the printed collection relating to Regulation III of 1910).

20. The position, very briefly, is this: Under the system in force prior to the passing of the Legislative Council Regulation, the Government of India expected the Durbar to consult the Resident as soon as Legislation was resolved upon, not only in cases falling under Art. 19 of the Instrument of Transfer, but also in all cases of "doubt, delicacy and importance," under one or other of which heads practically every project for Legislation could be included.

21. The Durbar undertook to safeguard that system of control by providing for a reference to the Residency at two stages:-

First, in the case of *every Bill*,-before it was placed before the Legislative Council.

Secondly, in the case of Bills the passing of which required the previous sanction of the Government of India,-before it was finally passed by the Legislative Council.

22. This system, for which due provision has been made in the Rules under the Legislative Council Regulation, is the one even now in force.

23. Even in the latter class of Bills, copies of the Regulations as finally enacted are of course invariably sent to the Residency *for information.*

To the Chief Secretary for kindly bringing this up in Council as directed by the Dewan.

K.S. CHANDRASEKHARA IYER.
4-6-19.

24. Circulate.

C.S. BALASUNDARAM IYER.
4-6-19.

25. *Note*-Subject was discussed in Council. Draft to be prepared informing Residency of discontinuance of practice of sending to Residency draft bills not falling under clause 18 of the Treaty.

C.S. BALASUNDARAM IYER.
19-6-19.

26. A draft D.O. letter to Residency is put up for consideration.

First Member.

C.S. BALASUNDARAM IYER.
30-6-19.

27. Seen.

K.S. CHANDRASEKHARA IYER.
8-7-19.

Second Member and Dewan

C.S. BALASUNDARAM IYER.
28-7-19.

28. Seen. The matter has not yet been placed before His ighness the Maharaja. Before we start our controversy, I think the matter may be brought to his notice.

MIR HUMZA HUSSAIN.
30-7-19.

29. The matter will, of course, come under His Highness' notice when tne resolution of this Council is passed to be submitted to His Highness. The file may be re-circulated for approval of the draft letter and a D.S.N. submitted.

M. KANTHARAJ URS.
5-8-19.

30. Re-circulate.

C.S. BALASUNDARAM IYER.
6-8-19.

31. The draft seems to me to be suitable.

P. RAGHAVENDRA RAO.
8-8-19.

32. Approved.

MIR HUMZA HUSSAIN.
12-8-19.

33. Approved.

KANTIRAVA NARASIMHARAJA WADIYAR.
16-8-19.

34. Approved.

K.R. SREENIVASA IYENGAR.
8-8-19.

35. D.S.N. is submitted.

Dewan

C.S. BALASUNDARAM IYER.
21-8-19.

SUBMITTED TO HIS HIGHNESS.

36. In connection with the Mysore Paper Currency Bill, 1919, and the Income Tax Bill, a question was raised as regards the

correctness of the practice of sending all such Bills to the Hon'ble the Resident in certain stages.

37. At the time of establishment of the Mysore Legislative Council it was agreed that all Bills would be first sent to the Hon'ble the Resident as soon as legislation was decided upon. This was meant to give an opportunity to the Residency and the Government of India to offer any advice they thought necessary in regard to the general aspects of the contemplated legislation. In the case of Bills affecting any pre-rendition legislation, it was agreed that they would be sent to the Residency after they were discussed in the Legislative Council, but before they were finally passed by that Council. Any modifications suggested by the Government of India would be embodied in the final stage of the Bill and passed through the Legislative Council. This reference was meant to meet the requirements of Clause 19 of the Instrument of Transfer corresponding to Clause 18 of the Treaty of 1913.

38. In the case of Bills that did not affect pre-rendition legislation this second reference was not made.

39. The question now raised relates to the necessity of the first reference above explained in the case of Bills which do not affect pre-rendition legislation. The provisions of the Mysore Treaty of 1913 differ in important respects from the Instrument of Transfer in regard to the detailed control which the Government of India could exercise over the internal affairs of the State by way of advice, etc. There is nothing in the Treaty corresponding to Article 22 of the Instrument of Transfer, the terms of which would cover a request for consultation in regard to all legislative measures in the initial stage, even in cases where no pre-rendition legislation was affected.

40. It is not clear why the procedure laid down when the Instrument of Transfer was in force was continued even after the Treaty came into operation. But, now that the point has been raised the question has been considered and it has been decided in Council that the practice of sending to the Residency all draft Bills which do not affect pre-rendition legislation might be discontinued and that this change of procedure might be intimated to the Residency. The procedure in regard to bills which affect pre-rendition legislation is not proposed to be modified in any way.

41. A draft letter on the subject which has been approved by the Members of Council is submitted for the gracious approval of His Highness.

M. KANTARAJ URS.
25-8-1919.

42. ORDER OF HIS HIGHNESS.

KRISHNA RAJA WADIYAR.
1-9-19.

43. Chief Secretary.

M. KANTARAJ URS.
2-9-19.

44. Circulated to the Members of Council for perusal of His Highness' orders before issue of orders. (Vide Rules 31. 33

and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of council Rules and Procedure).

C.S. BALASUNDARAM IYER.
2-9-19.

45. Seen.

P. RAGHAVENDRA RAO.
3-9-19.

MIR HUMZA HUSSAIN.
3-9-19.

K.R. SREENIVASA IYENGAR.
4-9-19.

46. Issue letter in P.P.

C.S. BALASUNDARAM IYER.
6-8-19.

1. From the Chief Secretary to Government to the First Assistant to the Hon'ble the Resident in Mysore No. Pol. 293 dated 6th September 1919–States that the practice of sending to the Residency all draft Bills which do not affect pre-rendition legislation will be discontinued.

2. From the First Assistant to the Hon'ble the Resident in Mysore to the Chief Secretary to the Government of Mysore D. O. No. 7059 dated 13th September 1919–States that the question is being referred to the Government of India and that until the receipt of instructions from them the existing practice may be continued.

47. Submitted for perusal.

Second Member and Dewan.

C.S. BALASUNDARAM IYER.
15-9-19.

48. If the Dewan approves, may be circulated to the other Members of Council and further action to be taken may be discussed in Council.

MIR HUMZA HUSSAIN.
15-9-19.

49. Yes

M. KANTARAJ URS.
17-9-19.

50. INSTRUCTIONS OF THE COUNCIL–Further communication from Residency may be awaited. Till then present practice may continue.

C.S. BALASUNDARAM IYER.
23-10-19.

3. From the First Assistant to the Hon'ble the Resident in Mysore to the Chief Secretary to the Government of Mysore No. 777 dated 30th January 1920–Communicating the decision of the Government of India in regard to the procedure to be adopted in undertaking legislation in Mysore and enquiring whether it is agreeable to the Durbar

51. Submitted with reference:

V.S.
31-1-20

52. Submitted for orders.

Chief Secretary

B.T.KESHAVIENGAR.
31-1-20.

53. I do not think the procedure suggested by the Residency in para 4 of the letter is any improvement on the existing practice. It seems to me that it is likely to be more onerous and inconvenient.

54. If the object of the Government of India is to have an opportunity of seeing whether proposed legislation comes within Clause 18 of the Treaty or not, the following arrangement may perhaps be suitable.

55. As soon as legislation is decided upon a copy of the bill may be sent to the Residency *for information*, but this need not delay its being placed before the legislative Council.

56. If the Government of India think that the bill comes under Clause 18 of the Treaty, the Durbar may send it for sanction of the Government of India in due course as in the case of bills affecting pre-rendition law. In other cases if Government of India wish to offer any suggestion there will be plenty of time to do so, and such suggestions will generally be accepted and embodied in suitable amendments introduced by Government.

57. The matter may be considered in Council.

Second Member and Dewan. C.S. BALASUNDARAM IYER.
10-2-20.

58. MIR HUMZA HUSSAIN.
11-2-20.

59. Yes

M. KANTARAJ URS.
13-2-20.

60. Circulate.

C.S. BALASUNDARAM IYER.
16-2-20.

61. It does not appear to me that the procedure now suggested is convenient or not open to objection. In fact it is no improvement at all. As observed by the Chief Secretary it is likely to be more embarassing than otherwise. To send an advance copy as soon as the bill has been drafted for remarks if any, would seem to meet the situation better. To my mind it appears to be very inexpedient nay inadvisable to submit a copy for the remarks of the Government of India after the bill has been before the Legislative Council and passed by it only the Sovereign's assent being wanted to make it into Law.

P. RAGHAVENDRA RAO.
24-2-20.

62. Put up a draft reply as instructed by the Council and circulate.

C.S. BALASUNDARAM IYER.
13-4-20.

63. A revised draft reply is submitted for consideration.

Third Member C.S. BALASUNDARAM IYER.
27-4-20.

64. I cannot say that the procedure suggested in the draft reply serves in any way the object we had in view when we started the controversy. Our object was to assert the independence of the new legislature in matters not affecting the pre-rendition laws and to dispense with the necessity of making a reference to the Residency whenever any legislation was undertaken. But in the draft letter we not only consent to send every bill to the Residency before it is placed before the Legislative Council but to follow also the advice of the Hon'ble the British Resident in the matter. This position is derogatory to the view we have secured under the revised treaty. Under the revised treaty the British Government have not reserved the power to proffer advice to the Durbar in matters of general administration and it was intended to take advantage of this and discontinue the practice of sending bills not affecting pre-rendition laws to the Residency. Instead of improving our position we are I think surrendering the right conceded to us in the revised treaty by the proposals we are now making to the Residency.

65. No doubt, that under art. 18 of the revised Treaty, we have to obtain the approval of the Government of India for repealing or modifying the pre-rendition laws, but that I think ought not to be made a ground for interfering with our liberty to enact other laws. The Durbar can be safely relied upon to discriminate between the laws falling under the one or the other category. As pointed out in para 2 of the draft letter cases of difference of opinion will be rare and when such a contingency occurs and we are asked to follow the views of the Government of India, we can do so by fresh legislation. What we can concede in respect of bills not affecting the pre-rendition laws is simply to send a copy of the bill after it is passed into law for the information of the Residency. I would like the matter to be discussed once more in the Council. What the practice in other Indian States similarly situated is may also be ascertained.

MIR HUMZA HUSSAIN.
28-4-20.

66. I have since discussed the matter with the Third Member and have revised the draft. I have also put up an alternative draft.

67. The two drafts A and B take up two attitudes and whichever of them is considered suitable may be adopted.

Third Member C.S. BALASUNDARAM IYER.
5-5-20.

68. May be considered in Council if the Dewan approves.

MIR HUMZA HUSSAIN.
6-5-20.

69. Dewan C.S.BALASUNDARAM IYER.
6-5-20.

70. Yes, after circulation

M. KANTARAJ URS.
8-5-20.

71. Circulated.

C.S. BALASUNDARAM IYER.
10-5-20.

72. Extract from the Proceedings of the 529th meeting of the Council of His Highness the Maharaja held at Mysore on the 4th June 1920.

* * * * *

6. Subject.—Clause (ii) of the schedule.

Draft reply to the Residency on the views of the Government of India, regarding the procedure in undertaking legislation in Mysore.

OPINION OF THE COUNCIL—The draft as revised in Council may be approved.

M. KANTARAJ URS.

73. D.S.N. is submitted.

Dewan

C.S. BALASUNDARAM IYER.
9-6-20.

SUBMITTED TO HIS HIGHNESS.

74. I beg to invite reference to His Highness' orders dated 1st September 1919 approving of a draft letter to the Residency on the proposal to discontinue the practice of sending to the Residency draft Bills which do not affect pre-rendition legislation, in view of the changed conditions as created by the Mysore Treaty.

The First Assistant to the Hon'ble the Resident has, in his demi-official letter No.777 dated 30th January 1920, communicated the views of the Government of India on the above proposals. The Government of India are, it is stated, of opinion that the procedure proposed in our letter may occasionally lead to difficulties and to difference of opinion whether any particular legislative measure was or was not affected by Article 18 of the Mysore Treaty. To obviate these difficulties, they suggest that instead of our consulting the Hon'ble the Resident demi-officially before the introduction of any Bill which in our opinion does not come under Article 18 of the Mysore Treaty, a copy of the Bill should in future be forwarded to the Hon'ble the Resident after it has been passed by the Council and before the assent of His Highness is given to it. The Government of India think that under this procedure the Hon'ble the Resident would have an opportunity of representing his views, should he find it necessary to do so, before the Bill actually becomes law.

The probabilities of difference of opinion referred to in the Residency letter in regard to excepted legislation are much more remote in the case of Mysore as the excepted laws are definite and are specified individually in the Schedule to the Mysore Treaty. As regards the procedure suggested by the Government of India, it is even more inconvenient [illegible]

embarassing than the present practice. Under this procedure the Legislative Council will have had no opportunity of discussing any changes in a Bill rendered necessary on the advice of the Government of India.

The better practice would be to send a copy of every Bill to the Hon'ble the Resident for his information immediately after it is published in the Mysore Gazette. If the Resident considers that any such Bill falls within the operation of Article 18 of the Treaty, he will have an opportunity to offer advice if any and forward any suggestions the Government of India may wish to offer about the provisions of the Bill. There will be sufficient time to consider and give effect to those suggestions. In regard to other Bills which neither in our opinion nor in that of tne Resident, affect pre-rendition laws, the Bill will pass through the Legislative Council and receive the assent of His Highness in the usual course.

A draft letter embodying the above views, which has been agreed to by the Council, is submitted for the gracious approval of His Highness.

M. KANTHARAJ URS.
11-6-20.

75. ORDER — KRISHNARAJA WADIYAR.
16-6-20.

76. Chief Secretary
M. KANTHARAJ URS.
18-6-20.

77. Circulated to the members of Council for perusal of His Highness' orders before issue of orders. (Vide Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.

C. S. BALASUNDARAM IYER.
19-6-20.

78. — A. R. BANERJI.
26-6-20.

79. Seen. — P. RAGHAVENDRA RAO.
25-6-20.

80. — MIR HUMZA HUSSAIN.
31-6-20.

81. Issue. — C.S. BALASUNDARAM IYER.
26-6-20.

4. To the First Assistant to the Hon'ble the Resident in Mysore No. Pol. 1399 dated 28th June 1920—Communicates further observations in the matter, for being placed before the Government of India.

5. From the First Assistant to the Hon'ble the Resident in Mysore No. 7593 dated 31st August 1920—Stating that the Government of India have no objection to arrangements regarding the procedure to be adopted in undertaking legislation in Mysore, proposed in para 6 of Sl.4 being adopted.

82. Put up with references. — C.S. BALASUNDARAM IYER.
31-8-20.

83. Submitted with references.
M.S.R. & V.S.
1-9-20.

84. Chief Secretary — B.T. KESAVIENGAR.
1-9-20.

85. For perusal.

Third Member and Dewan — C.S. BALASUNDARAM IYER.
4-9-20.

86. — MIR HUMZA HUSSAIN.
5-9-20.

87. Seen. (File may be submitted for the information of the Dewan on return from leave). The letter from the Residency has I think to be submitted for His Highness' information.

P. RAGHAVENDRA RAO.
10-9-20.

88. D.S.N. is submitted
M.S.R. & V.S.
13-9-20.

89. Chief Secretary — A.V. RAMANATHAN.
14-9-20.

90. Dewan — C.S. BALASUNDARAM IYER.
20-9-20.

91. SUBMITTED TO HIS HIGHNESS.

With reference to His Highness' orders dated the 16th June 1920 approving a draft letter to the Residency, regarding the procedure to be adopted in undertaking legislation in Mysore, I submit for the gracious perusal of His Highness, demi-official letter dated the 31st August 1920 received from the First Assistant to the Hon'ble the Resident stating that Government of India have no objection to the adoption of the procedure suggested therein.

M. KANTHARAJ URS.
21-9-20.

92. ORDER — KRISHNARAJA WADIYAR.
23-9-20.

93. Chief Secretary — M. KANTHARAJ URS.
23-9-20.

94. Circulate to Members of Council. Put up O.M. for embodying in Legislative Manual.

C.S. BALASUNDARM IYER.
24-9-20.

95. — MIR HUMZA HUSSAIN.
30-9-20.

96. Seen.

P. RAGHAVENDRA RAO.
2-10-20.

97. A.R. BANERJI.
4-10-20.

98. Draft is put up.
M.S.R. & V.S.
29-9-20.

99. This O.M. will not do. The procedure authorised should be clearly set forth in the draft. Please put up fresh draft.

C.S. BALASUNDARAM IYER.
5-10-20.

100. Revised draft is submitted.
M.S.R.
6-11-20.

101. Chief Secretary B.T. KESAVIENGAR.
8-11-20.

102. Issue. C.S. BALASUNDARAM IYER.
10-11-20.

6. To the Secretary, Legislative Council in Mysore No. G. 9649 dated 17th November 1920-Intimating the procedure to be adopted in future in undertaking Legislation in Mysore.

Discontinuance of the practice of sending to the Residency draft bills which do not affect prerendition legislation.

Confidential letter No. Pol 293P. P. 63-19-1 dated 6th September 1919, to the First Assistant to the Hon'ble the Resident in Mysore

SERIAL No. 1.

I am desired to invite reference to the correspondence ending with Mr. Rennie's letter, No. 1033 dated 27th February 1907, regarding the establishment of a Legislative Council in Mysore and the procedure to be adopted in undertaking legislation.

In the course of that correspondence, the then Resident, Sir Stuart Fraser, suggested certain arrangements to make due provision for the exercise by the Government of India of the power vested in them by the Instrument of Transfer in regard to legislation undertaken by the Durbar. In accordance with those suggestions it was agreed that, in all cases "a reference will be made demi-officially to the Hon'ble the Resident, and his approval of the general principle of the measure obtained before such written sanction (for its introduction) is accorded by the Dewan. Any suggestions made by him at this stage will be considered and freely discussed by the Select Committee, or the Council, but treated as if they emanated from the member in charge of the bill, all mention of the Hon'ble the Resident being avoided in the discussions". (Vide paragraph 3 of Durbar's letter, Political 294 dated 17th October 1906).

This procedure was decided upon in regard to all legislation, even including bills which did not affect any law, or rule having the force of law, which was in force prior to the rendition and any modification of which required the approval of the Governor-General in Council under Article 19 of the Instrument of Transfer. At the time the Durbar agreed to this procedure in the case of legislation not affecting any prerendition law, mainly for the reason, that under Article 22 of the Instrument of Transfer, the Governor-General had wide powers of intervention and advice in all such matters. Since then, in 1913, the Mysore Treaty has replaced the Instrument of Transfer, and, while clause 18 of the Treaty, which corresponds to Article 19 of the Instrument of Transfer, preserves the power of the Governor-General in Council in regard to modifications of prerendition legislation, there is nothing in the Treaty corresponding to Article 22 of the Instrument of Transfer. Article 21 of the Treaty which provides powers of intervention is an extraordinary provision and is evidently not meant to be applied to such ordinary matters of administration as the initiation of small measures of legislation. In the changed conditions, as created by the Treaty, the Durbar are inclined to think that in the case of new legislation, that is, legislation not affecting prerendition law, there is no necessity to seek the advice of the Hon'ble the Resident before such legislation is at all undertaken. The procedure hitherto in force, will, from now, be modified accordingly. As you are aware, most of the legislation of the State is modelled on laws in force in British India, and since the establishment of the Legislative Council

Discontinuance of the practice of sending to the Residency draft bills which do not affect prerendition legislation.

all bills are passed after a considerable amount of public discussion and careful consideration in the Council and in Select Committees of the Council. It is quite inconceivable that any piece of legislation will pass through the Council to which serious objection can be taken.

In regard to legislation falling under clause 18 of the Treaty, however, the Durbar will continue the present practice of consulting the Residency in the initial stage of the measure and also of seeking the formal consent of the Government of India, before the bill is finally passed into law.

Confidential D. O. No 7059/P. P. 63-19-2 dated 13th September 1919, from the First Assistant to the Hon'ble the Resident in Mysore.

SERIAL No. 2.

Please refer to your confidential and demi-official letter Pol.No.293, dated the 6th September 1919, regarding the procedure to be adopted in undertaking legislation in Mysore.

2. The matter is being referred to the Government of India, and I am desired to say that, until their instructions are received, it will be wisest, in the Hon'ble the Resident's opinion, for the existing procedure to be continued.

Confidential D. O. No. 777/P. P. 63-19-3 dated 30th January 1920, From the First Assistant to the Hon'ble the Resident in Mysore.

SERIAL No. 3.

As stated in my confidential and demi-official letter No. 7059, dated the 13th September 1919, the proposals of the Durbar in regard to the procedure to be adopted in undertaking legislation in Mysore, were placed before the Government of India, and I am now desired to communicate their views on the subject.

2. The present practice is that in all cases in which legislation of any sort is proposed, whether prerendition laws are affected or not, a reference is made demi-officially to the Resident by the Durbar, and his approval of the general principle of the measure is obtained before written sanction for its introduction is accorded by the Dewan. The Durbar express the opinion that, in the changed conditions as created by the Mysore Treaty, there is no necessity to seek the advice of the Resident before legislation not affecting prerendition law is undertaken.

3. The Government of India are disposed to think that the procedure proposed by the Durbar may occasionally lead to difficulties. It is possible that the Durbar might in any particular case be advised that a particular legislative measure was not affected by Article 18 of the Treaty and did

Discontinuance of the practice of sending to the Residency draft bills which do not affect prerendition legislation.

not require the previous consent of the Governor-General in Council, whereas the opinion of the Government of India might be contrary to that view. Cases of this nature have frequently occurred between the Government of India and local Governments under Section 79 (3) (e) of the Government of India Act, 1915, the local Government being under the impression that a particular bill does not affect religion or religious rites and usages, and therefore does not require sanction, and the Government of India taking the opposite view.

4. The Government of India are, however, desirous of meeting the wishes of the Durbar as far as possible, and are therefore prepared to agree that the Durbar, instead of consulting the Resident demi-officially before the introduction of any bill which, in the opinion of the Durbar, does not come within the purview of Article 18 of the Treaty, should in future forward a copy of the Bill to the Resident after it has been passed by the Council and before the assent of the Maharaja is given under Section 13 of the Mysore Legislative Council Regulation of 1907. The Resident would then have an opportunity of representing his views to the Durbar should he find it necessary to do so, before the bill actually becomes law. This procedure will, the Government of India think, be convenient from the point of view both of the Government of India and of the Durbar.

I am to enquire whether the compromise suggested is agreeable to the Durbar.

Letter No. Pol. 1399/P. P. 63-19-4 dated 28th June 1920, to the First Assistant to the Hon'ble the Resident in Mysore.

Please refer to your D. O. letter No. 777 dated the 30th January 1920 in regard to the procedure for undertaking legislation in Mysore. **SERIAL No. 4.**

2. The Durbar have carefully considered the views of the Government of India conveyed in your letter and I am desired to communicate their further observations on the subject for being placed before the Government of India.

3. The Durbar quite appreciate the point urged in para 5 of your letter, but they feel, however, that the probabilities of differences of opinion in regard to excepted legislation are much more remote in regard to Mysore than in the case of British Indian Provinces, for the reason that in Mysore, the excepted laws are definite and are specified individually in the schedule to the Mysore Treaty, while the fields of Imperial and Provincial Legislation are distinguished only by an enumeration of subjects.

4. They are, nevertheless, aware of the possibility, however remote, of a divergence in opinion and are equally anxious

Discontinuance of the practice of sending to the Residency draft bills which do not affect prerendition legislation.

with the Government of India, to avoid any discussion even in such rare cases after a measure has been promulgated as law. they are therefore prepared to adopted a procedure which will obviate such a delicate situation and will at the same time leave them a freer hand in regard to other legislation.

5, In regard to the procedure suggested in para 4 of the letter under reply, namely, that the Durbar might forward all bills to the Government of India after they are passed by the Legislative Council and before they receive the assent of His Highness, I am desired to submit that this procedure will be even more inconvenient and embarrassing to the Durbar than the present practice of forwarding the bills in the first stage before introduction into the Legislative Council. Under the procedure suggested any alterations in the bills rendered necessary on the advice of the Government of India can only be inserted in the bills in the shape of amendments ordered by His Highness while giving his assent. The Legislative Council will have had no opportunity of discussing such changes and the situation will give occasion to a considerable amount of undesirable public criticism.

6. The Durbar would wish to avoid such a situation and would prefer that the advice of the Hon'ble the Resident if any, in case of difference of opinion should be tendered to them at an earlier stage when the course of legislation is more plastic. They would, instead of sending a copy after it has been passed by the Legislative Council and before the assent of His Highness is given to it (as suggested in para 4 of the letter under reply), prefer to send a copy of every bill to the Hon'ble the Resident for his information immediately after it is published in the Mysore Gazette. If he considers that any such bill falls within the operation of Article 18 of the Treaty, he will have an opportunity to advise the Durbar accordingly and forward any suggestions the Government of India may wish to offer about the provisions of the Bill. The Durbar will, then, have ample time to consider and give effect to those suggestions, as the bills ordinarily take a few months for passage through the Legislative Council. The subsequent procedure in such cases will be the same as that now prescribed and followed in the case of legislation affecting pre-rendition laws. That is to say, in such cases the Durbar will pursue the bill in its subsequent stages until the select committee's report is considered by the Legislative Council, and then the Government of India will be addressed for sanction under Article 18 of the Treaty. On receipt of such sanction the bill will be read again in the Council under Rule 50 of the Mysore Legislative Council Rules and finally *passed* incorporating amendments, if any, proposed by Government and based on the suggestions of the Government of India. (Vide paragraph 3 of Mr. Chandrasekhara Iyer's letter No. Pol. 294 dated the 17th October 1906 to the First Assistant Resident). The assent of His Highness the Maharaja will follow the final passing in the Legislative Council. In regard to other bills, which neither in the opinion of the

Discontinuance of the practice of sending to the Residency draft bills which do not affect prerendition legislation.

Durbar nor in that of the Resident, affect pre-rendition laws, the bill will pass through the Legislative Council and receive the assent of His Highness in the usual course.

7. This procedure will, in the opinion of the Durbar, secure fully the objects which the Government of India and they have in common. The Durbar hope therefore that the Government of India will not see any difficulty in accepting their suggestion.

D. O. No. 7593/P. P. 63-19-5 dated 31st August 1920, from the First Assistant to the Hon'ble the Resident in Mysore.

I am desired to refer to your demi-official letter No. 1399-Pol. dated the 28th June 1920, regarding the procedure to be adopted in undertaking legisla- **SERIAL No. 5.**
tion in Mysore.

The Durbar's views were placed before the Government of India, and they now intimate that they have no objection to the arrangements proposed in para 6 of your letter being adopted, namely that a copy of every Bill should be sent to the Resident immediately after it is published in the Mysore Gazette, the subsequent procedure being the same as at present.

Confidential O. M. No. G. 9649/P. P. 63-19-6, dated 17th November 1920, to the Secretary, Legislative Council.

The following revised procedure will be adopted in future in undertaking Legislation in Mysore:-In the case of bills not affecting
pre-rendition legislation a copy of every draft **SERIAL No. 6.**
bill should be sent to the Hon'ble the Resident in Mysore for his information immediately after it is published in the Mysore Gazette. If he considers that any such bill falls within the operation of Article 18 of the Treaty, he will advise the Durbar accordingly and communicate any suggestions the Government of India may wish to offer about the provisions of the bill. The subsequent procedure in such cases will be the same as that now prescribed and followed in the case of legislation affecting prerendition laws: that is to say, the bill will be pursued in its subsequent stages until the Select Committee's report is considered by the Legislative Council and then the Government of India will be addressed for sanction under Article 18 of the Treaty. On receipt of such sanction the bill will again be read in the Council under Rule 50 of the Mysore Legislative Council Rules and finally passed incorporating amendments, if any, proposed by Government and based on the suggestions of the Government of India. The assent of His Highness the Maharaja will follow the final passing in the Legislative Council. In regard to other bills which neither in the opinion of the Durbar nor in that of the Resident affect prerendition laws the bill will pass through the Legislative Council and receive the assent of His Highness the Maharaja in the usual course.